



Perry  
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/465,547	12/16/1999	NOSAKHARE D. OMOIGUI	MS1-364US	9005
22801	7590	02/02/2004	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			LIM, KRISNA	
		ART UNIT		PAPER NUMBER
		2153		12
DATE MAILED: 02/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/465,547	OMOIGUI, NOSAKHARE D.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Krisna Lim	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 November 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20,22-38 and 40-92 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) 1-20, 22-38 and 40-92 are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

1. 1. Claims 1-20, 22-38, 40-57 are still pending for examination, and claims 58-92 are newly presented for examination.
2. Restriction to one of the following inventions is required under 35 U.S.C. § 121:
  - I. Claims 1-7, 58, 61 and 75-76, drawn to a system comprising: a) a search server; b) an encoder; c) a client computer, wherein a search server configured to 1) determine whether the currently available live presentation from the encoder matches the search criteria; 2) transmit an identifier of the encoder to the client computer if the currently available live presentation matches the search criteria, classified in class 709, subclass 203.
  - II. Claims 8, drawn to a system comprising: a) a search server; b) an encoder; c) a client computer, wherein the search server is further configured to: 1) maintain a record of user search request; and 2) notifying the corresponding user when a new live presentation becomes available that satisfies a search request, classified in class 725 , subclass 112.
  - III. Claims 9-20, 59 and 62-74, drawn to a method comprising: a) sending, to a search server, information identifying a live presentation; b) identifying, to the search server, when the live presentation is no longer available via the network, classified in class 725, subclass 116.
  - IV. Claims 22-38, 46-54, 60 and 77-92, drawn to an apparatus and a method comprising: a) receiving information identifying a live presentation; and b) making the information available for searching only during a duration of the live presentation, classified in class 725, subclass 146.

- V. Claims 40-45, drawn to one or more computer-readable media including:  
a) identifying topic information corresponding to live content; and b)  
transmitting the topic information to a server to make the topic information  
available for searching, classified in class 725, subclass 114.
- VI. Claims 55-57, drawn to a method comprising: a) identifying a set of search  
criteria to be compared to information describing a plurality of live  
presentation; b) transmitting the set of search criteria to a server; and c)  
receiving a list of live presentation currently in progress that match the  
search criteria, classified in class 725, subclass 86.
3. Inventions I and II are related as subcombinations disclosed as usable together  
in a single combination. The subcombinations are distinct from each other if they  
are shown to be separately usable. In the instant case, invention I has separate  
utility such as a system lacks of: 1) maintain a record of user search request; and  
2) notifying the corresponding user when a new live presentation becomes  
available that satisfies a search request. See MPEP § 806.05(d).
4. Inventions I and III are related as subcombinations disclosed as usable together  
in a single combination. The subcombinations are distinct from each other if they  
are shown to be separately usable. In the instant case, invention I has separate  
utility such as a system lacks of: a) sending, to a search server, information  
identifying a live presentation; b) identifying, to the search server, when the live  
presentation is no longer available via the network. See MPEP § 806.05(d).
5. Inventions I and IV are related as subcombinations disclosed as usable together  
in a single combination. The subcombinations are distinct from each other if they  
are shown to be separately usable. In the instant case, invention I has separate  
utility such as a system lacks of: a) receiving information identifying a live

presentation; and b) making the information available for searching only during a duration of the live presentation. See MPEP § 806.05(d).

6. Inventions I and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a system lacks of: a) identifying topic information corresponding to live content; and b) transmitting the topic information to a server to make the topic information available for searching. See MPEP § 806.05(d).
7. Inventions I and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a system lacks of: a) identifying a set of search criteria to be compared to information describing a plurality of live presentation; b) transmitting the set of search criteria to a server; and c) receiving a list of live presentation currently in progress that match the search criteria. See MPEP § 806.05(d).
8. Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as a system lacks of: a) sending, to a search server, information identifying a live presentation; b) identifying, to the search server, when the live presentation is no longer available via the network. See MPEP § 806.05(d).
9. Inventions II and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as a system lacks of: a) receiving information identifying a live

presentation; and b) making the information available for searching only during a duration of the live presentation. See MPEP § 806.05(d).

10. Inventions II and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as a system lacks of: a) identifying topic information corresponding to live content; and b) transmitting the topic information to a server to make the topic information available for searching. See MPEP § 806.05(d).
11. Inventions II and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as a system lacks of: a) identifying a set of search criteria to be compared to information describing a plurality of live presentation; b) transmitting the set of search criteria to a server; and c) receiving a list of live presentation currently in progress that match the search criteria. See MPEP § 806.05(d).
12. Inventions III and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as a method lacks of: a) receiving information identifying a live presentation; and b) making the information available for searching only during a duration of the live presentation. See MPEP § 806.05(d).
13. Inventions III and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as a method lacks of: a) identifying topic information corresponding to

live content; and b) transmitting the topic information to a server to make the topic information available for searching. See MPEP § 806.05(d).

14. Inventions III and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as a method lack of: a) identifying a set of search criteria to be compared to information describing a plurality of live presentation; b) transmitting the set of search criteria to a server; and c) receiving a list of live presentation currently in progress that match the search criteria. See MPEP § 806.05(d).
15. Inventions IV and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention IV has separate utility such as an apparatus and a method lack of: a) identifying topic information corresponding to live content; and b) transmitting the topic information to a server to make the topic information available for searching. See MPEP § 806.05(d).
16. Inventions IV and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention IV has separate utility such as an apparatus and a method lack of: a) identifying a set of search criteria to be compared to information describing a plurality of live presentation; b) transmitting the set of search criteria to a server; and c) receiving a list of live presentation currently in progress that match the search criteria. See MPEP § 806.05(d).
17. Inventions V and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they

are shown to be separately usable. In the instant case, invention V has separate utility such as one or more computer-readable media lacks of: a) identifying a set of search criteria to be compared to information describing a plurality of live presentation; b) transmitting the set of search criteria to a server; and c) receiving a list of live presentation currently in progress that match the search criteria. See MPEP § 806.05(d).

18. These inventions are distinct for the reasons given above, and the search required for each Group is different and not co-extensive for examination purpose.

19. For example, the searches for the two inventions would not be co-extensive because these groups would require different searches on PTO's classification class and subclass as following:

- (a) Group I search (claims 1-7, 58, 61, 75-76) would require use of search class 709, subclass 203 (which would not required for the groups II to VI).
- (b) Group II search (claim 8) would require use of search class 725, subclass 112 (which would not required for the groups I and III to VI).
- (c) Group III search (claims 9-20, 59, 62-74) would require use of search class 725, subclass 116 (which would not required for the groups I, II and IV to VI).
- (d) Group IV search (claims 22-38, 46-54, 60, 77-92) would require use of search class 725, subclass 146 (which would not required for the groups I to III and V to VI).
- (e) Group V search (claims 40-45) would require use of search class 725, subclass 114 (which would not required for the groups I to IV and VI) .
- (f) Group VI search (claims 55-47) would require use of search class 725, subclass 86 (which would not required for the groups I to V).

20. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed.

21 Applicant is reminded that the required for response to this requirement is 30 days, not one month.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Krisna Lim whose telephone number is (703) 305-9672. The examiner can normally be reached on Monday-Friday from 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Glenton Burgess, can be reached at (703) 305-4772. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9700

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [glen.burgess@uspto.gov].

All Internet e-mail communication will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirement of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Office Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

kl

February 1, 2004



KRISNA LIM  
PRIMARY EXAMINER